



State of Utah

Department of  
Natural Resources

ROBERT L. MORGAN  
*Executive Director*

Division of  
Oil, Gas & Mining

LOWELL P. BRAXTON  
*Division Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

May 28, 2004

CERTIFIED RETURN RECEIPT & Regular Mail  
7099 3400 0016 8896 0341

Dan Powell  
Emery Industrial Resources, Inc.  
148 South 100 East  
Spanish Fork, Utah 84660

CERTIFIED RETURN RECEIPT & Regular Mail  
7099 3400 0016 8896 0358

Steven Powell  
Dba Powell Rock  
P. O. Box 253  
Castle Dale, Utah 84513

also Regular Mail sent to:  
stephen powell  
dba Powell Rock  
376 Giruard Avenue  
Price UT 84501

Re: Notice to Cease Mining Operations, Unauthorized Mining Activity,  
Cherry Hill Park Mine, M/049/021, Utah County, Utah

Dear Messer's Powell:

This Cessation Order formalizes in writing the Division's cease mining order issued verbally to Nelco Contractor's on May 25, 2004, by inspection staff at the Cherry Hill Park mine in Utah County. Division staff observed unauthorized mining activity being conducted at the site without an approved permit to do so. Screening equipment, loaders and haul trucks were being used to remove limestone materials from the site. The contractor was directed to immediately cease all further mining related activity until appropriate permits were in place.

A pending reclamation agreement and bond that would allow screening and removal of certain stockpiled materials from the site has not been concluded. It also has not been received and accepted by the Division. Finally, even under this agreement, no work is to proceed with out Division approval as to what material is to be removed. The Agreement if finalized is **not** a permit for mining except to remove the stockpiled material. Therefore, these mining activities have been conducted in direct violation of the Mined Land Reclamation



Dan & Steven Powell  
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Cherry Hill Park – Cessation Order  
May 28, 2004

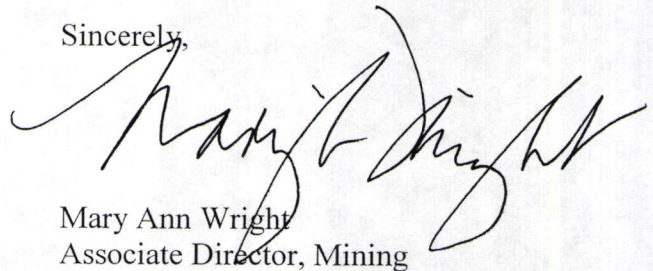
Act and a prior Board Order issued on May 28, 2003, that terminated your small mine permit, required you to cease all mining activities and to reclaim the site.

***You and/or your contractor are hereby directed to immediately cease all mining activity, including the removal of any stockpiled materials, until a permit or other appropriate authorization has been obtained from this office.***

Your refusal or failure to comply with these requirements will result in enforcement action, including but not limited to: immediate reclamation of all impacted areas, fines, civil penalties, and other provisions as authorized under state law. Under Section 40-8-9 and 40-8-9(1) Utah Code, any person who willfully and knowingly evades the Mining Act or an order is subject to civil and criminal penalties.

Please contact Steve Alder, Division counsel at (801) 538-5348 to make arrangements to resolve this matter at your earliest convenience. Thank you for your immediate attention to this matter.

Sincerely,



Mary Ann Wright  
Associate Director, Mining

MAW:WH:jb

cc: Sidney B. Unrau, Esq. - Attorney for Dan Powell (via fax)  
Larry Jensen - NELCO Contractors, Inc.  
Randy Scott - Sunnyside CoGeneration Assoc.  
James T. Jensen - Savage Services  
E. J. Stokes  
Steve Alder, AAG  
Alison Garner, AAG

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